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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,312	12/11/2000	Nobuaki Tanaka	FUJO116715	4957
26389	7590	11/04/2005	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			VU, VIET DUY	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,312

Applicant(s)

TANAKA ET AL.

Examiner

Viet Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 18-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18-27 is/are rejected.
- 7) ☒ Claim(s) 28-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art. Rejections:

1. The text of 35 USC 103(a) not cited here can be found in the previous office action.

2. Claims 1-14 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buhler et al, U.S. pat. No. 6,104,704.

Per claim 1, Buhler discloses a system for providing Internet connection to users comprising:

a) a relaying means (38, fig. 2) for relaying a network connection from a user terminal (32, 34, fig. 2) through an access point (40, fig. 2) to the Internet (see col 4, lines 7-17);

b) a monitoring means for monitoring user's connection to the Internet (col 5, lines 48-67); and

c) a network connection fee calculation means for calculating network connection fee for the user based on a monitoring result of said monitoring means, wherein said connection fee calculation means comprises a charge amount calculation means for calculating a charge amount for the user based on a line connection fee schedule selected by the user (see col 5, lines 6-21 and col 6, lines 5-27).

Buhler does not explicitly teach determining a line connection fee based on the signal source provided from the telephone company. Buhler however requires connection between the user and the access point to be made over conventional telephone line and switching point (see col 4, lines 50-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize such usage of telephone signals provided from the telephone company in Buhler because it would have enabled the system to compute the line connection charge according to user's call selection using the conventional telephone line (see col 5, lines 6-21).

Per claim 2, Buhler teaches enabling the user to select different types of network connections for delivering data services to the user and to compute cost based on the selected bandwidth or connection (see col 3, lines 23-33 and col 4, lines 22-29, 40-43).

Per claims 3-4 and 6, Buhler also teaches allowing the user to determine if call-receiving party is responsible for the line connection fee (see col 4, lines 54-64).

Per claims 5 and 7, it is noted that unless a flat rate is used, conventional telephone call is charged based upon distance between the user and the access point, i.e., local vs. long distance calls.

Per claim 8, Buhler teaches allowing the user to access billing information (see col 6, lines 27-48). Buhler does not explicitly teach certifying the user. An official notice is taken that the use of such certification step for preventing unauthorized access of user account is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize such user certification step in Buhler because it would have prevented unauthorized access of user account.

Per claims 9-10 and 13-14, Buhler teaches computing charges by multiplying connection time by a predetermined fixed rate, e.g., per minute rate (see col 6, lines 22-27).

Per claims 11-12, it would have been further obvious to one skilled in the art to practice Buhler's invention with any fee scheduling/scheme including split charges between parties.

Claims 18-23 are similar in scope as that of claims 1-14.

3. Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buhler and further in view of Short, U.S. pat. No. 6,789,110.

Buhler does not teach delivering customized contents to the users. Short discloses a system and method for delivering customized contents to the user according to user's profile

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and/or geographical region of the access point (see Short in col 13, lines 3-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Buhler with Short's teaching because it would have enabled delivering more suitable contents to the users.

Allowable Subject Matter:

4. Claims 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment:

5. Applicant's arguments filed on 10/6/05 with respect to claims 11-14 and 18-23 have been fully considered but are moot in view of new ground of rejection set forth above.

Particularly, newly applied art, Buhler now shows a system for enabling the user to access the Internet through an access point over a conventional telephone line.

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Conclusion:

6. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Viet D. Vu", with a stylized, cursive script.

VIET D. VU
PRIMARY EXAMINER

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10/31/05